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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P13843WO	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2003/010637	International filing date (day/month/year) 24 September 2003 (24.09.2003)	Priority date (day/month/year) 24 September 2002 (24.09.2002)
International Patent Classification (IPC) or national classification and IPC H04L 12/56		
Applicant SIEMENS AKTIENGESELLSCHAFT		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 24 April 2004 (24.04.2004)	Date of completion of this report 15 February 2005 (15.02.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-8 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ 1-9 _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ 1/2-2/2 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/10637

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	1, 2, 5-9	NO
Inventive step (IS)	Claims		YES
	Claims	4	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: Bluetooth Specification Version 1.1
(08-05-2001), 15-223

D2: WO-A-0137517 (WAYPORT INC) 25 May 2001
(2001-05-25)

2. The subject matter of claims 1, 8 and 9 is not novel within the meaning of PCT Article 33(2).

2.1 D1 discloses in agreement with all the features of claim 1 (the references in parentheses are to this document):

a process for initial sign-on of a terminal, in particular a mobile terminal, at an access point of a local communication network (for example, page 105, lines 1-27), characterized in that:

a) after detection of the terminal (for example, page 96, lines 1-21, page 105, lines 1-27, or figure 10.4)

b) a first output power of a first radio transmitter/radio receiver of the access point is

reduced (for example, page 21, lines 12-21, page 27, paragraph 4.7, lines 1-10, or figure 4.1)
c) such that a transmission/reception process may take place only in a near field of the access point (for example, page 222, paragraph 3.18, line 1 to page 223, paragraph 3.18, line 12).

The subject matter of claim 1 is therefore not novel within the meaning of PCT Article 33(2).

2.2 Independent **claims 8 and 9**, insofar as they are comprehensible, relate only to an access point or a terminal having means for carrying out the steps of a process approximately according to claim 1 and are therefore likewise not novel.

3. Dependent claims

3.1 Dependent **claims 2 and 4-7** do not contain any additional features which, in combination with the features of any claim to which they refer back, meet the PCT requirements for novelty and inventive step (see D1 and D2 and the corresponding references in the search report).

Claim 2 describes only the power control process contained in D1 (for example, page 21, lines 12-21, page 27, paragraph 4.7, lines 1-10 or figure 4.1).

Claim 4 is understood to relate to claims 2 and 3, since the term "signalling" is first introduced in claim 2. Text messages to Bluetooth terminals are known from D1 and D2 (for example, D1, page 349, lines 1-17, and table 3.1 or D2, page 17, lines 9-21).

Claims 5 and 6 represent general technical knowledge. Repetition of unconfirmed messages until acknowledgement of successful reception at the receiving end is known as the Automatic Repeat Request (ARQ) protocol (for example, D1, page 67, paragraph 5.3, page 71, paragraph 5.3.5, or figure 5.5), Claim 5 being understood such that the term "the message" relates to both the messages contained in the signalling (S2).

- 3.2 The combination of features in claim 3 is neither known from nor suggested by the available prior art. The reasons are:

Modification of the power control mechanisms specified in D1 such that an artificially increased received signal strength indicator (RSSI) is transmitted from the access point to the terminal solves the technical problem of improving safety from interception and bringing the terminal user as close as possible to the access point. This is achieved by reducing the output power of the terminal (initiated by the RSSI transmitted to the terminal).

4. The applicant has not advanced any convincing arguments that would substantiate the novelty and inventive step of independent claims 1, 8 and 9.